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	:	DEPOSITION UPON
This Document Applies To:	:	ORAL EXAMINATION
	:	OF
CHRISTIAN HOLINKA	:	CHRISTIAN HOLINKA
	:	(VOLUME III)
-----	:	

T R A N S C R I P T of the deposition of
CHRISTIAN HOLINKA, called for Oral Examination in the
above entitled action, said deposition being taken
pursuant to Rules governing Civil Practice in the Courts
of New York, by and before KERRY D. HALPERN, a Notary
Public and Shorthand Reporter of the State of New York,
at the LAW OFFICES of WEITZ & LUXENBERG, P.C., 120 Wall
Street, 15th floor, New York, New York 10038, on
Thursday March 1, 2007, commencing at 10:35 a.m.

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<p style="text-align: right;">Page 249</p> <p>1 IT IS HEREBY STIPULATED AND AGREED</p> <p>2 by and between the attorneys for the respective parties</p> <p>3 hereto that filing, sealing and certification of the</p> <p>4 within Examination Before Trial be waived; that all</p> <p>5 objections, except as to form, are reserved to the time</p> <p>6 of trial.</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that the transcript may be signed before any Notary</p> <p>9 Public with the same force and effect as if signed before</p> <p>10 a Clerk or Judge of the Court.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the within examination may be utilized for all</p> <p>13 purposes as provided by the CPLR and Part 221 of the</p> <p>14 Uniform Rules for the Conduct of Depositions.</p> <p>15 IT IS FURTHER STIPULATED AND AGREED</p> <p>16 that all rights provided to all parties by the CPLR shall</p> <p>17 not be deemed waived and the appropriate sections of the</p> <p>18 CPLR shall be controlling with respect thereto.</p> <p>19 IT IS FURTHER STIPULATED AND AGREED by and</p> <p>20 between the attorneys for the respective parties hereto</p> <p>21 that a copy of this Examination shall be furnished,</p> <p>22 without charge, to the attorney representing the witness</p> <p>23 testifying herein.</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 251</p> <p>1 FOR THE DEFENDANT CBS:</p> <p>2 FOR THE DEFENDANT ADIENCE:</p> <p>3 MALABY, CARLISLE & BRADLEY, LLC</p> <p>4 BY: KOO LEE, ESQ.</p> <p>5 150 Broadway</p> <p>6 New York, New York 10038</p> <p>7 FOR THE DEFENDANT A.W. CHESTERTON:</p> <p>8 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP</p> <p>9 BY: TODD DeSIMONE, ESQ.</p> <p>10 150 East 42nd Street</p> <p>11 New York, New York 10017</p> <p>12 FOR THE DEFENDANT LENNOX INDUSTRIES, INC.:</p> <p>13 DARGER & ERRANTE, LLP</p> <p>14 BY: CRAIG GLANTZ, ESQ.</p> <p>15 116 East 27th Street</p> <p>16 12th Floor</p> <p>17 New York, New York 10016</p> <p>18 FOR THE DEFENDANT AMCHEM:</p> <p>19 FOR THE DEFENDANT CERTAINTIED:</p> <p>20 ANDERSON, KILL & OLICK, P.C.</p> <p>21 BY: JONATHAN KROMBERG, ESQ.</p> <p>22 1251 Avenue of the Americas</p> <p>23 New York, New York 10020-1182</p> <p>24 FOR THE DEFENDANT BECKMAN COULTER INSTRUMENTS:</p> <p>25 McGIVNEY & KLUGER, P.C.</p> <p>BY: EYAL EISIG, ESQ.</p> <p>80 Broad Street</p> <p>20th Floor</p> <p>New York, New York 10007</p>
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<p style="text-align: right;">Page 253</p> <p>1 INDEX</p> <p>2</p> <p>3 WITNESS: CHRISTIAN HOLINKA</p> <p>4 EXAMINATION PAGE</p> <p>5 MS. KULINA LYONS 255, 318</p> <p>6 MR. FRASER 287</p> <p>7 MR. SCHAFER 314, 318</p> <p>8 MR. DANCHE 315</p> <p>9 MR. ABERNETHY 319</p> <p>10 MR. DADIKA 319</p> <p>11</p> <p>12</p> <p>13 EXHIBITS:</p> <p>14 DEFENDANTS'</p> <p>14 NUMBER DESCRIPTION PAGE</p> <p>15</p> <p>16</p> <p>17 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:</p> <p>18 PAGE LINE</p> <p>19 None</p> <p>20</p> <p>21 INFORMATION TO BE SUPPLIED:</p> <p>22 PAGE LINE</p> <p>23 304-12</p> <p>24 308-17</p> <p>25 312-20</p>	<p style="text-align: right;">Page 255</p> <p>1 CHRISTIAN HOLINKA,</p> <p>2 having first been duly sworn, was</p> <p>3 examined and testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MS. KULINA LYONS:</p> <p>7 Q. Good morning, Mr. Holinka. My name is</p> <p>8 Kristy Lyons. I am from the law firm of Hoagland, Longo,</p> <p>9 Moran, Dunst & Doukas. I have several questions for you</p> <p>10 today mostly surrounding the actual labs that you worked</p> <p>11 in.</p> <p>12 I will try to be as brief as I can. I</p> <p>13 will be asking the same questions for each job site that</p> <p>14 you worked at, and it will start to get into a routine.</p> <p>15 So, let's try not to talk over each other, okay?</p> <p>16 A. Okay.</p> <p>17 Q. And the same rules are in effect as the</p> <p>18 last deposition.</p> <p>19 Are you taking any medications today?</p> <p>20 A. No.</p> <p>21 Q. I know the last time we spoke you were</p> <p>22 going to see Dr. Moline this week.</p> <p>23 A. Yes.</p> <p>24 Q. Did you go see her?</p> <p>25 A. Yes, I did.</p>
<p style="text-align: right;">Page 254</p> <p>1 MOVE TO STRIKE:</p> <p>2 PAGE LINE</p> <p>3 None</p> <p>4</p> <p>5</p> <p>6 MARK FOR RULING:</p> <p>7 PAGE LINE</p> <p>8 None</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 256</p> <p>1 Q. What did that exam involve?</p> <p>2 A. An oral history and a physical</p> <p>3 examination.</p> <p>4 Q. Did she take a chest x-ray?</p> <p>5 A. No.</p> <p>6 Q. Did she advise you of any opinions?</p> <p>7 A. No.</p> <p>8 Q. When did you go see her?</p> <p>9 A. On Monday.</p> <p>10 Q. Monday?</p> <p>11 A. Yes.</p> <p>12 Q. This past Monday?</p> <p>13 A. This week, yes.</p> <p>14 Q. Have you seen any other doctors since</p> <p>15 the last time we spoke?</p> <p>16 A. No.</p> <p>17 Q. I think that we are clear, but just so</p> <p>18 the record is clear, various times throughout your</p> <p>19 testimony, you referred to mittens and gloves</p> <p>20 interchangeably.</p> <p>21 A. That's correct.</p> <p>22 Q. I just want to make sure that you were</p> <p>23 always talking about mittens, correct?</p> <p>24 A. I was always talking about mittens.</p> <p>25 Q. You have never worn a glove where all</p>

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<p>1 your fingers were able to move around?</p> <p>2 A. No.</p> <p>3 Q. You taught at NYU?</p> <p>4 A. Yes, I did.</p> <p>5 Q. How long did you teach there?</p> <p>6 A. Two separate years as an adjunct faculty</p> <p>7 member.</p> <p>8 Q. Did you teach in the same building?</p> <p>9 A. No.</p> <p>10 Q. What buildings did you teach in?</p> <p>11 A. Tisch Hall.</p> <p>12 Q. Where is that?</p> <p>13 A. And I believe the Brown building.</p> <p>14 Q. Where is that?</p> <p>15 A. On the campus in the village.</p> <p>16 Q. Do you know the address of Tisch Hall?</p> <p>17 A. No.</p> <p>18 Q. And the Brown building?</p> <p>19 A. No.</p> <p>20 Q. Is that something that someone who went</p> <p>21 to NYU would know where the Brown building is?</p> <p>22 A. Yes.</p> <p>23 Q. I will ask my husband.</p> <p>24 Is anybody financially dependent upon</p> <p>25 you?</p>	<p>1 A. In billets or in tents.</p> <p>2 Q. In billets?</p> <p>3 A. Barracks really. We called them</p> <p>4 billets.</p> <p>5 Q. Was there any piping running through the</p> <p>6 barracks?</p> <p>7 A. I don't remember.</p> <p>8 Q. When you were in the Army and you were</p> <p>9 stationed in Fort Sam, where were you sleeping?</p> <p>10 A. In military quarters.</p> <p>11 Q. Where were they located?</p> <p>12 A. At Fort Sam Houston.</p> <p>13 Q. I am sorry?</p> <p>14 A. At Fort Sam Houston.</p> <p>15 Q. Do you know if there was any piping</p> <p>16 running through those barracks?</p> <p>17 A. No, I don't.</p> <p>18 Q. When you were in Germany at the 98th</p> <p>19 General Hospital, where did you sleep?</p> <p>20 A. At the hospital billets.</p> <p>21 Q. Do you know if there was any piping</p> <p>22 where you slept?</p> <p>23 A. No, I don't.</p> <p>24 Q. When you were in medical school in</p> <p>25 Canada, where did you reside?</p>
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<p>1 A. No.</p> <p>2 Q. The friend that you have that lives in</p> <p>3 your condo, does he pay rent?</p> <p>4 A. Some.</p> <p>5 Q. Okay.</p> <p>6 What does he pay per month?</p> <p>7 A. About \$400.</p> <p>8 Q. Does anyone live with you currently?</p> <p>9 A. No.</p> <p>10 Q. When you were in Germany living with</p> <p>11 your aunt and cousin at various times, were you also</p> <p>12 living with your mom?</p> <p>13 A. No.</p> <p>14 Q. Did you ever live with your mom?</p> <p>15 A. When I was very small.</p> <p>16 Q. So, your aunt raised you?</p> <p>17 A. Yes.</p> <p>18 Q. When you were in basic training in the</p> <p>19 Army, what were you doing exactly?</p> <p>20 A. Push-ups, pull ups, learn how to shoot,</p> <p>21 run and receive instructions on military matters.</p> <p>22 Q. So, mainly physical?</p> <p>23 A. Yes.</p> <p>24 Q. Where did you sleep when you were in</p> <p>25 basic training?</p>	<p>1 A. At a private house.</p> <p>2 Q. Do you know the address?</p> <p>3 A. No.</p> <p>4 Q. Do you know what town it was in?</p> <p>5 A. Montvale.</p> <p>6 Q. Do you know if any home renovation work</p> <p>7 was done to that residence while you lived there?</p> <p>8 A. I don't.</p> <p>9 Q. Have you personally ever performed any</p> <p>10 home renovations?</p> <p>11 A. No.</p> <p>12 Q. I want to talk to you a little bit about</p> <p>13 the time that you were in the Army at Fort Sam.</p> <p>14 Where was the laboratory that you worked</p> <p>15 in?</p> <p>16 A. At Fort Sam Houston.</p> <p>17 Q. What building was it in?</p> <p>18 A. I don't remember.</p> <p>19 Q. Do you remember how large the building</p> <p>20 was?</p> <p>21 A. No, I don't.</p> <p>22 Q. Do you remember anything specific about</p> <p>23 the building, how many floors it was?</p> <p>24 A. No, I don't.</p> <p>25 Q. Okay.</p>

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1 Do you know where the lab was located in
2 the building?
3 A. I don't remember.
4 Q. Do you recall the dimensions of the lab
5 that you worked in?
6 A. No, I don't.
7 Q. Do you know if it was more than one lab
8 that you worked in while you were at Fort Sam?
9 A. Yes, I do.
10 Q. How many labs?
11 A. Two laboratories.
12 Q. And they were both in the same building?
13 A. I don't remember.
14 Q. Do you know if there was any sort of
15 ventilation in those laboratories?
16 A. I don't know.
17 Q. Do you recall how many workstations were
18 in the labs?
19 A. About 25.
20 Q. 25 workstations per laboratory?
21 A. No, in one laboratory. It was a
22 classroom.
23 Q. There would be 25 work areas --
24 A. About 25.
25 Q. -- in each laboratory?

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1 A. No. The other one was pathology.
2 Q. Okay.
3 So, one laboratory had 25 workstations.
4 A. Yes.
5 Q. The other lab was pathology.
6 A. Yes.
7 Q. How many workstations were in the
8 pathology lab?
9 A. When you autopsy people, one doesn't
10 really refer to it as workstations. There were two or
11 three autopsy tables.
12 Q. And that's fine, sir. I haven't
13 personally worked in these labs, so that's fine to
14 correct me --
15 A. Sorry.
16 Q. -- because I don't always understand and
17 visualize that the same way as you. So, thank you for
18 telling me that.
19 What kind of work would you be doing in
20 the lab with the 25 workstations?
21 A. Hematology, biochemistry, urinalysis. I
22 was a student there.
23 Q. Do you recall how many students were in
24 the classroom with you?
25 A. Approximately 25.

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1 Q. Do you recall any of the names of those
2 students?
3 A. No.
4 Q. How about when you worked in pathology,
5 what were you doing?
6 A. Assisting at autopsies.
7 Q. Do you know who you were assisting?
8 A. No.
9 Q. Would you have used any of the Bunsen
10 burners in the pathology department?
11 A. No.
12 Q. Would you have ever worn the mittens in
13 the pathology department?
14 A. No.
15 Q. How much of your time was spent in the
16 classroom versus the pathology department?
17 A. The pathology period followed the
18 classroom instructions --
19 Q. Okay.
20 So, you were -- I am sorry.
21 A. -- and about two months pathology, about
22 four months class work.
23 Q. I thought you were at Brooks Medical
24 Center for two months.
25 Is that incorrect then? Were you there

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1 longer?
2 A. No. I was there longer.
3 Q. Okay.
4 How long were you there?
5 A. Approximately four and a half to five
6 months.
7 Q. So, you were in the classroom for
8 approximately four months and then you moved to the
9 pathology --
10 A. Approximately three months classroom and
11 approximately six weeks pathology.
12 Q. Did you ever wear a mask or a respirator
13 at Fort Sam?
14 A. A respirator, no. A mask, yes.
15 Q. What kind of mask did you wear?
16 A. Just a normal surgical mask.
17 Q. Why would you wear a surgical mask?
18 A. When you worked with formaldehyde.
19 Q. Would that only be in the pathology
20 department?
21 A. Yes.
22 Q. Did you wear a lab coat?
23 A. Oh, yes.
24 Q. In both departments?
25 A. Yes.

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<p>1 Q. Did you wear goggles or a shield?</p> <p>2 A. A shield of what sort?</p> <p>3 Q. Well, did you wear any goggles?</p> <p>4 A. No.</p> <p>5 Q. Did you wear anything covering your</p> <p>6 face?</p> <p>7 A. No.</p> <p>8 Q. When you worked in the classroom, where</p> <p>9 were the mittens kept?</p> <p>10 A. I don't remember.</p> <p>11 Q. Were you assigned a certain pair of</p> <p>12 mittens that were your mittens?</p> <p>13 A. No.</p> <p>14 Q. Do you know where the supplies were kept</p> <p>15 at Fort Sam?</p> <p>16 A. No.</p> <p>17 Q. Then, you went to the 98th General</p> <p>18 Hospital?</p> <p>19 A. Yes.</p> <p>20 Q. And you worked at --</p> <p>21 A. No -- yes. I am sorry.</p> <p>22 Q. Okay.</p> <p>23 You worked in one lab consisting of</p> <p>24 different divisions. Is that correct?</p> <p>25 A. That's correct.</p>	<p>1 A. Clinical chemistry and bacteriology</p> <p>2 combined approximately 400 square feet.</p> <p>3 Q. You had hematology --</p> <p>4 A. Hematology approximately 200 square</p> <p>5 feet.</p> <p>6 Q. There was another one too. I missed it.</p> <p>7 What was it, arc --</p> <p>8 MR. DARCHE: Archeology.</p> <p>9 MS. KULINA LYONS: Could you</p> <p>10 read it back?</p> <p>11 (The following testimony was</p> <p>12 read back:</p> <p>13 "Answer: Hematology, clinical</p> <p>14 chemistry, bacteriology, histology and</p> <p>15 pathology.")</p> <p>16 A. Bacteriology and clinical chemistry were</p> <p>17 combined in one room?</p> <p>18 Q. And that was 400 square feet?</p> <p>19 A. That was the largest. That's about 400</p> <p>20 feet.</p> <p>21 Q. Do you know if any of the rooms had any</p> <p>22 ventilation?</p> <p>23 A. I don't.</p> <p>24 Q. Did any of the rooms have windows?</p> <p>25 A. Yes.</p>
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<p>1 Q. How large is the one open area?</p> <p>2 A. The lab consisted of several rooms of</p> <p>3 different sizes.</p> <p>4 Q. Do you recall how many different rooms?</p> <p>5 A. Five or six.</p> <p>6 Q. Was each room set up for a different</p> <p>7 purpose?</p> <p>8 A. Yes.</p> <p>9 Q. Did you work in all of the rooms?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know the dimensions of any of the</p> <p>12 rooms?</p> <p>13 A. Not exactly, but approximately.</p> <p>14 Q. Okay.</p> <p>15 Why don't you first tell me what were</p> <p>16 the five or six rooms for, what different departments?</p> <p>17 A. Hematology, clinical chemistry,</p> <p>18 bacteriology, histology and pathology.</p> <p>19 Q. Okay.</p> <p>20 The pathology room, do you recall the</p> <p>21 dimensions of that room?</p> <p>22 A. Approximately 300 square feet.</p> <p>23 Q. And the histology room?</p> <p>24 A. Approximately 300 to 400 square feet.</p> <p>25 Q. I am sorry. What was the other one?</p>	<p>1 Q. Did they all have windows?</p> <p>2 A. I don't remember.</p> <p>3 Q. Do you recall which different areas had</p> <p>4 windows?</p> <p>5 A. No.</p> <p>6 Q. Did you ever have the windows open while</p> <p>7 you were working in the lab?</p> <p>8 A. I don't remember.</p> <p>9 Q. Was there one area that you spent more</p> <p>10 time versus another?</p> <p>11 A. Overall, no.</p> <p>12 Q. So, you equally spent your time</p> <p>13 throughout?</p> <p>14 A. Yes.</p> <p>15 MR. DARCHE: I am sorry.</p> <p>16 Could we just take a break?</p> <p>17 (A short recess was taken.)</p> <p>18 Q. Sir, when you were in the Army at 98th</p> <p>19 General Hospital, you generally mentioned autoclaves and</p> <p>20 sterile hoods.</p> <p>21 Do you recall that testimony?</p> <p>22 A. They were part of the laboratory, yes.</p> <p>23 Q. Did you ever see anyone doing any</p> <p>24 repairs to any of the equipment in the laboratory?</p> <p>25 A. No, I didn't.</p>

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<p>1 Q. Did you ever wear a mask or a respirator</p> <p>2 when you were at 98th General Hospital?</p> <p>3 A. A mask.</p> <p>4 Q. Was that in the pathology department as</p> <p>5 well?</p> <p>6 A. Yes, and in bacteriology.</p> <p>7 Q. What kind of mask did you wear in</p> <p>8 bacteriology?</p> <p>9 A. Surgical mask.</p> <p>10 Q. And a surgical mask in pathology as</p> <p>11 well?</p> <p>12 A. Yes.</p> <p>13 Q. Did you wear a lab coat?</p> <p>14 A. Yes.</p> <p>15 Q. Did you ever wear goggles?</p> <p>16 A. No.</p> <p>17 Q. Did you ever wear anything that covered</p> <p>18 your face at all?</p> <p>19 A. No.</p> <p>20 Q. Where were the mittens kept when you</p> <p>21 were at 98th General?</p> <p>22 A. I don't remember.</p> <p>23 Q. Do you know where any of the supplies</p> <p>24 were kept when you were at 98th General?</p> <p>25 A. There was a supply room.</p>	<p>1 there would be?</p> <p>2 MR. DARCHE: Don't guess.</p> <p>3 A. No, I don't.</p> <p>4 Q. Would each workbench have a Bunsen</p> <p>5 burner?</p> <p>6 A. Yes.</p> <p>7 Q. Would there be more than that for each</p> <p>8 workbench?</p> <p>9 A. I don't remember.</p> <p>10 Q. Did you ever wear a mask or respirator</p> <p>11 while you were there?</p> <p>12 A. No.</p> <p>13 Q. What kind of work were you actually</p> <p>14 doing there?</p> <p>15 MR. DARCHE: I am just going</p> <p>16 to object that we went over this</p> <p>17 already.</p> <p>18 But, you can answer again.</p> <p>19 Q. That's okay. I do have it in my notes.</p> <p>20 A. Serum analysis principally.</p> <p>21 Q. Did you wear a lab coat while you were</p> <p>22 there?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever wear goggles?</p> <p>25 A. No.</p>
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<p>1 Q. Where was that?</p> <p>2 A. It was part of the laboratory.</p> <p>3 Q. Did you have a set pair of mittens that</p> <p>4 were assigned to you to wear?</p> <p>5 A. No.</p> <p>6 Q. Moving on to Booth Memorial.</p> <p>7 A. Yes.</p> <p>8 Q. Was that just one laboratory that you</p> <p>9 worked in?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall the dimensions of that</p> <p>12 laboratory?</p> <p>13 A. About 400 square feet.</p> <p>14 Q. Was it just one big open room?</p> <p>15 A. Yes.</p> <p>16 Q. Was there any ventilation in that room?</p> <p>17 A. I don't know.</p> <p>18 Q. Were there windows?</p> <p>19 A. I don't remember.</p> <p>20 Q. Do you know how many work areas there</p> <p>21 were in that room?</p> <p>22 A. Two or three benches.</p> <p>23 Q. Were you assigned a workbench?</p> <p>24 A. No.</p> <p>25 Q. Do you know how many Bunsen burners</p>	<p>1 Q. Did you ever wear anything that shielded</p> <p>2 your face?</p> <p>3 A. No.</p> <p>4 Q. Did you know where the mittens were kept</p> <p>5 there?</p> <p>6 A. No.</p> <p>7 Q. Were you assigned a pair of mittens?</p> <p>8 A. No.</p> <p>9 Q. Where were the supplies kept at Booth?</p> <p>10 A. I don't know.</p> <p>11 Q. Then, you went to U.C. Berkeley and you</p> <p>12 worked in the Life Sciences Building?</p> <p>13 A. Yes.</p> <p>14 Q. Can you tell me a little bit about the</p> <p>15 Life Sciences Building, how many floors that is?</p> <p>16 A. Four floors, a huge building.</p> <p>17 Q. Is this where all of the laboratory work</p> <p>18 was done?</p> <p>19 A. Yes.</p> <p>20 Q. You mentioned working in two</p> <p>21 laboratories during that time.</p> <p>22 Do you know if there was any ventilation</p> <p>23 in those laboratories?</p> <p>24 A. No, I don't.</p> <p>25 Q. Do you know if there were any windows?</p>

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<p>1. A. Yes, there were.</p> <p>2. Q. Did each room have windows?</p> <p>3. A. Yes.</p> <p>4. Q. Do you know if they were ever kept open?</p> <p>5. A. Yes, they were.</p> <p>6. Q. How many windows did each room have?</p> <p>7. A. One.</p> <p>8. Q. Was there more than one entrance to</p> <p>9 these rooms?</p> <p>10 A. No.</p> <p>11 Q. Where would you obtain your mittens on a</p> <p>12 daily basis?</p> <p>13 A. There was a central supply.</p> <p>14 Q. And that is where you would get them</p> <p>15 every day?</p> <p>16 A. Not every day. They were at the</p> <p>17 laboratory. You had a pair at the lab.</p> <p>18 Q. So, where were they kept within the</p> <p>19 laboratory?</p> <p>20 A. On the workbench somewhere.</p> <p>21 Q. There were two rooms. What were you</p> <p>22 doing in each laboratory?</p> <p>23 A. Analysis of California soils.</p> <p>24 Q. Okay.</p> <p>25 In both of them?</p>	<p>1 A. Yes.</p> <p>2 Q. What other buildings, laboratory classes</p> <p>3 only?</p> <p>4 A. No. Well, I did not take laboratory</p> <p>5 classes in any other building.</p> <p>6 Q. Besides the chemistry building?</p> <p>7 A. Right.</p> <p>8 Q. And the Life Sciences Building?</p> <p>9 A. Right.</p> <p>10 Q. Were all the classrooms relatively the</p> <p>11 same size?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know how big they were?</p> <p>14 A. Yeah. I would like to correct this, no.</p> <p>15 They were not. Some were auditoriums very large and</p> <p>16 others were small classrooms.</p> <p>17 Q. I just want to clarify. I am only</p> <p>18 talking about the laboratories, so I only want to know</p> <p>19 about the lab sizes?</p> <p>20 A. The laboratories were approximately the</p> <p>21 same size.</p> <p>22 Q. Do you recall the dimensions of the</p> <p>23 laboratories?</p> <p>24 A. 400 square feet.</p> <p>25 Q. Did the classrooms have any ventilation?</p>
Page 274	Page 276
<p>1 A. Yes.</p> <p>2 Q. Were you assigned a certain workbench?</p> <p>3 A. No.</p> <p>4 Q. Were you assigned a pair of mittens</p> <p>5 there?</p> <p>6 A. No.</p> <p>7 Q. Moving to the time when you were in the</p> <p>8 actual classrooms --</p> <p>9 A. Yes.</p> <p>10 Q. You had mentioned that you believe there</p> <p>11 was about a half dozen lab courses that you had?</p> <p>12 A. Yes, approximately.</p> <p>13 Q. Do you recall any of the names of the</p> <p>14 classes that you took, the subject matter?</p> <p>15 A. Chemistry, physiology. That is it.</p> <p>16 Q. Were those classes also held in the Life</p> <p>17 Sciences Building?</p> <p>18 A. Physiology, yes. Chemistry, no.</p> <p>19 Q. Where was chemistry?</p> <p>20 A. I don't remember. In the chemistry</p> <p>21 building but --</p> <p>22 Q. Okay.</p> <p>23 Besides the Life Sciences Building and</p> <p>24 the chemistry building, do you remember taking classes in</p> <p>25 any other building at Berkeley?</p>	<p>1 A. I don't remember.</p> <p>2 Q. Do you know if there were windows in the</p> <p>3 classroom?</p> <p>4 A. I don't remember.</p> <p>5 Q. Do you know where the mittens were kept</p> <p>6 when you were in the classroom?</p> <p>7 A. No, I don't.</p> <p>8 Q. Were you assigned mittens in the</p> <p>9 classroom?</p> <p>10 A. No.</p> <p>11 Q. Did you wear a lab coat when you were in</p> <p>12 the classroom?</p> <p>13 A. Yes.</p> <p>14 Q. Did you ever wear a respirator when you</p> <p>15 were in the classroom?</p> <p>16 A. No.</p> <p>17 Q. When you were working in the lab, just</p> <p>18 working -- not in the classroom at U.S. Berkeley, did you</p> <p>19 wear a lab coat?</p> <p>20 A. Yes.</p> <p>21 Q. Did you wear goggles ever?</p> <p>22 A. No.</p> <p>23 Q. Did you wear a mask or a respirator?</p> <p>24 A. No.</p> <p>25 Q. Then, you went to Hunter College.</p>

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1 A. Yes.
 2 Q. There was one lab that you worked in at
 3 the Park Avenue Building. Is that correct?
 4 A. Yes, that's correct. As a student.
 5 Q. Do you know the dimensions of the
 6 classroom that you were in?
 7 A. No.
 8 Q. Do you know if there was any
 9 ventilation?
 10 A. I don't know.
 11 Q. Do you know how many workstations were
 12 in the classroom?
 13 A. Four or five benches.
 14 Q. Do you know how many Bunsen burners
 15 would be in the classroom?
 16 A. I don't recall.
 17 Q. Were you assigned a certain workstation
 18 when you were in the classroom?
 19 A. I do not remember.
 20 Q. Did you obtain mittens from a certain
 21 area in the laboratory when you used them?
 22 A. I don't remember.
 23 Q. Then, you returned to U.C. Berkeley for
 24 the graduate program -- oh, no.
 25 First, you went there and worked in the

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1 A. A mask, yes. A respirator, no.
 2 Q. What kind of mask?
 3 A. Surgical mask.
 4 Q. Did I ask you if there were any windows
 5 in that room?
 6 A. Yes, you did. I do not remember.
 7 Q. Okay, thank you.
 8 Did you wear any goggles?
 9 A. No.
 10 Q. Then at SUNY, you worked in one lab on
 11 the first floor in the anatomy department?
 12 A. That's correct.
 13 Q. And you described that lab previously as
 14 a medium size laboratory?
 15 A. Yes.
 16 Q. Do you recall the dimensions at all?
 17 A. 400 square feet.
 18 MR. DARCHE: Don't guess.
 19 Q. Do you know if there was any ventilation
 20 in that laboratory?
 21 A. I don't know.
 22 Q. Were there windows in that room?
 23 A. Yes.
 24 Q. How many windows?
 25 A. I believe one.

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1 same lab that we previously talked about?
 2 A. Yes, that's correct.
 3 Q. And then you went and you were in the
 4 graduate program and you were working in the Life
 5 Sciences Building again?
 6 A. Yes.
 7 Q. And at that time you were on the same
 8 floor, but in a different lab?
 9 A. Yes.
 10 Q. Do you recall the dimensions of that
 11 lab?
 12 A. Approximately 600 square feet.
 13 Q. Do you know if there was any ventilation
 14 in that laboratory?
 15 A. I don't know.
 16 Q. Do you know if there were windows?
 17 A. I don't know.
 18 Q. What kind of experiments or research
 19 were you doing at that time?
 20 A. Research in rats endocrinology of the
 21 brain.
 22 Q. Were you wearing a lab coat?
 23 A. Yes.
 24 Q. Did you ever wear a mask or a
 25 respirator?

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1 Q. Was it ever kept open?
 2 A. I don't remember.
 3 Q. Did you ever wear a mask or a
 4 respirator?
 5 A. I don't remember.
 6 Q. What kind of work were you doing in that
 7 laboratory?
 8 A. I was working on rats in a hormonal
 9 control of the maternal paramount.
 10 Q. What kind of experiments would that
 11 entail?
 12 A. They were basically behavioral
 13 experiments.
 14 Q. Did you have a set spot where you kept
 15 your mittens?
 16 A. No.
 17 Q. Did you have an assigned set of mittens
 18 there?
 19 A. No.
 20 Q. I just missed two questions.
 21 When you were in the graduate program at
 22 U.C. Berkeley, did you have an assigned set of mittens?
 23 A. No.
 24 Q. Do you know where the mittens were kept
 25 there?

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1 A. No.
 2 Q. Then, you went to Columbia University?
 3 A. Yes.
 4 Q. That was the building on 168th Street?
 5 A. Yes.
 6 Q. Where was the lab in that building?
 7 A. I don't remember.
 8 Q. Was it more than one lab?
 9 A. No.
 10 Q. Do you remember the dimensions of the
 11 lab?
 12 A. No.
 13 Q. Do you recall if there was any
 14 ventilation in the lab?
 15 A. No. I do not recall.
 16 Q. Do you know if there were any windows in
 17 the lab?
 18 A. I do not remember.
 19 Q. Did you wear a mask or a respirator
 20 while you were there?
 21 A. No.
 22 Q. What kind of research were you doing
 23 there?
 24 A. It was not research. It was a job.
 25 Q. Okay.

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1 A. Animal work and biochemical analysis.
 2 Q. Was there any ventilation in those
 3 rooms?
 4 A. I don't know.
 5 Q. Do you know if there were any windows in
 6 those rooms?
 7 A. Yes.
 8 Q. Did all the rooms have windows?
 9 A. I don't remember.
 10 Q. Did you ever keep the windows open?
 11 A. They did not open.
 12 Q. Okay.
 13 Did you wear a lab coat when you were in
 14 there?
 15 A. Yes.
 16 Q. Did you ever wear a mask or a
 17 respirator?
 18 A. A mask, yes. A respirator, no.
 19 Q. What kind of mask?
 20 A. Surgical mask.
 21 Q. Did you wear a lab coat?
 22 A. Yes.
 23 Q. Did you ever wear goggles?
 24 A. No.
 25 Q. Did you ever wear anything to shield

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1 A. Analysis of human serum plasma.
 2 Q. Did you ever wear goggles while you were
 3 there?
 4 A. No.
 5 Q. Did you wear a lab coat?
 6 A. Yes.
 7 Q. Where were the mittens kept in that
 8 laboratory?
 9 A. I don't know.
 10 Q. Then, you went to the University of
 11 California in Los Angeles, correct?
 12 A. University of Southern California.
 13 MR. DARCHE: U.S.C.
 14 A. U.S.C.
 15 Q. I knew I was going to do that.
 16 There, you worked in four rooms on the
 17 second floor?
 18 A. Yes.
 19 Q. Do you recall the dimensions of any of
 20 those rooms?
 21 A. No.
 22 Q. Can you tell me what each room was used
 23 for, if you remember?
 24 A. No. I do not.
 25 Q. What kind of work were you doing there?

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1 your face?
 2 A. No.
 3 Q. Where would you keep the mittens when
 4 you worked there?
 5 A. I don't remember.
 6 Q. Then, finally, you were at Mount Sinai?
 7 A. Yes.
 8 Q. And that was in the Annenberg building?
 9 A. That's correct.
 10 Q. You said that you worked principally in
 11 three laboratories in that building?
 12 A. Yes.
 13 Q. On the 20th floor?
 14 A. Yes.
 15 Q. What else was going on throughout that
 16 building?
 17 MR. DARCHE: I am just going
 18 to object to the form.
 19 You can answer.
 20 A. The whole thing has 25 floors and there
 21 was a variety of activities going on.
 22 Q. On the 20th floor, was that comprised of
 23 mostly laboratories?
 24 A. Laboratories and offices.
 25 Q. Was there any ventilation in the

<p style="text-align: right;">Page 285</p> <p>1 laboratories that you worked in?</p> <p>2 A. I don't know.</p> <p>3 Q. Did you have any windows?</p> <p>4 A. Yes.</p> <p>5 Q. Were those windows ever open?</p> <p>6 A. No.</p> <p>7 Q. Did you wear a lab coat?</p> <p>8 A. Yes.</p> <p>9 Q. Did you ever wear a mask?</p> <p>10 A. Yes.</p> <p>11 Q. What kind of mask?</p> <p>12 A. Surgical mask.</p> <p>13 Q. What kind of work were you doing?</p> <p>14 A. Animal research, biochemical research in</p> <p>15 women's health care.</p> <p>16 Q. Did each of the three labs that you</p> <p>17 worked in have different purposes?</p> <p>18 A. No.</p> <p>19 Q. Did you spend an equal amount of time in</p> <p>20 each room?</p> <p>21 A. No.</p> <p>22 Q. What room did you spend more time in?</p> <p>23 A. Two rooms out of the three.</p> <p>24 Q. Were they all the same size?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 287</p> <p>1 Q. Were you utilizing any chemicals while</p> <p>2 you were working at Mount Sinai?</p> <p>3 A. Yes.</p> <p>4 Q. What kind of chemicals?</p> <p>5 A. Salts, acids, hormones. Chemicals</p> <p>6 usually used in this type of analysis.</p> <p>7 Q. Okay.</p> <p>8 MS. KULINA: I think that is</p> <p>9 all I have for you, sir.</p> <p>10 Thank you.</p> <p>11 BY MR. FRASER:</p> <p>12 Q. Good morning, Mr. Holinka.</p> <p>13 A. Good morning.</p> <p>14 Q. Do you need to take a break before we</p> <p>15 switch?</p> <p>16 MR. DARCHE: Whatever you want</p> <p>17 to do.</p> <p>18 THE WITNESS: Just a few</p> <p>19 minutes.</p> <p>20 MR. FRASER: That's fine.</p> <p>21 (A short recess was taken.)</p> <p>22 Q. Mr. Holinka, my name is Tim Fraser from</p> <p>23 Drinker, Biddle & Reath. We represent Baxter Health Care</p> <p>24 in this matter.</p> <p>25 I am going to ask you a few questions</p>
<p style="text-align: right;">Page 286</p> <p>1 Q. Okay.</p> <p>2 Can you tell me the size of the</p> <p>3 different rooms?</p> <p>4 A. Approximately 200 square feet, one, and</p> <p>5 approximately 350 square feet, the other two.</p> <p>6 Q. Which ones were you spending more time</p> <p>7 in, the 350 square feet or the 200?</p> <p>8 A. The 200.</p> <p>9 Q. And one of the 350 square feet?</p> <p>10 A. Yes.</p> <p>11 Q. Did you have an office in that --</p> <p>12 A. Yes.</p> <p>13 Q. How much of your time was spent in the</p> <p>14 office?</p> <p>15 A. About approximately one-quarter of my</p> <p>16 time.</p> <p>17 Q. What kind of work would you be doing in</p> <p>18 the office?</p> <p>19 A. Writing manuscripts, analyzing data,</p> <p>20 reviewing grant applications, reviewing manuscripts on a</p> <p>21 peer review basis.</p> <p>22 Q. What kind of research were you doing at</p> <p>23 Mount Sinai?</p> <p>24 A. Animal research and biochemistry,</p> <p>25 biochemical analysis.</p>	<p style="text-align: right;">Page 288</p> <p>1 about the people that you worked with at these various</p> <p>2 different sites.</p> <p>3 I realize that you already answered some</p> <p>4 questions on this subject and I will try to avoid</p> <p>5 duplicating anything that we have covered in the past.</p> <p>6 A. Thank you.</p> <p>7 Q. Starting with Booth Memorial Hospital.</p> <p>8 A. Yes.</p> <p>9 Q. You had testified that your supervisor</p> <p>10 was, let me put it this way, your supervisor was</p> <p>11 Dr. Blaustein.</p> <p>12 Is that correct?</p> <p>13 A. That's correct.</p> <p>14 Q. The section head was Olga Bzrorad?</p> <p>15 A. That is correct.</p> <p>16 Q. You testified that you didn't recall any</p> <p>17 co-workers' names, but were there any other people who</p> <p>18 worked in the lab who didn't necessarily work for Olga</p> <p>19 Bzrorad or Dr. Blaustein?</p> <p>20 A. I don't remember.</p> <p>21 Q. Do you recall whether there was</p> <p>22 anyone -- do you recall anyone else who worked on that</p> <p>23 same floor?</p> <p>24 A. No, I don't.</p> <p>25 Q. No, you do not?</p>

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1 A. No, I do not.
 2 Q. Do you know or remember anyone who was
 3 responsible for purchasing pads and mittens at Booth
 4 Memorial Hospital?
 5 A. No. I do not.
 6 Q. Do you know anyone who might know the
 7 manufacturer, brand name or trade name of the pads and
 8 mittens at Booth Memorial Hospital?
 9 MR. DARCHE: Objection.
 10 Other than what he's already
 11 testified to?
 12 MR. FRASER: I am asking if he
 13 knows the names of anybody there. I
 14 mean, yes. Subject to what he has
 15 testified to. But, this is all
 16 subject to what he has testified to.
 17 MR. DARCHE: I got you.
 18 Q. Do you know the names of anyone who may
 19 know the manufacturer, trade name or brand name of the
 20 pads and mittens used at Booth Memorial?
 21 A. No. I do not.
 22 Q. Do you know anyone who might know the
 23 supplier or distributor from whom the pads and mittens
 24 were purchased for Booth Memorial Hospital?
 25 A. No. I do not.

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1 Q. Moving on to the Berkeley Research
 2 Laboratory where you worked for approximately two and a
 3 half years starting in 1960.
 4 Your supervisor was Dr. Sherburne Cook.
 5 Is that correct?
 6 A. That's correct.
 7 Q. Do you recall how many people worked in
 8 the lab with you?
 9 A. In the research lab, myself and for a
 10 brief period and undergraduate student.
 11 Q. Do you recall the name of that
 12 undergraduate student?
 13 A. No, I don't.
 14 Q. Do you recall the name of anyone else
 15 who worked in the labs at the Life Sciences Building
 16 during that time?
 17 A. No, I don't.
 18 Q. Do you know the name of anyone who had
 19 responsibility for purchasing pads and mittens at
 20 Berkeley during that time?
 21 A. No.
 22 Q. Do you know the name of anyone who might
 23 know the manufacturer, brand name or trade name of pads
 24 or mittens used at that research lab?
 25 MR. DARCHE: Objection to the

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1 form.
 2 A. No.
 3 MR. DARCHE: You can answer.
 4 A. No. I do not.
 5 Q. Do you know the name of anyone who might
 6 know the supplier or distributor for whom the pads and
 7 mittens were purchased at that lab?
 8 A. No, I don't.
 9 Q. Now, I would like to ask you a few
 10 questions about the undergraduate lab courses that you
 11 took at Berkeley, and I believe you had testified that
 12 you took approximately a half dozen.
 13 Does that sound correct to you?
 14 A. Yes.
 15 Q. If I am mischaracterizing anything,
 16 please let me know. I am just trying to move this along
 17 as quickly as possible.
 18 Do you remember the names of any of the
 19 teachers or professors for any of those classes?
 20 A. No, I don't.
 21 Q. Do you remember names of any of the
 22 students who took those classes with you?
 23 A. No.
 24 Q. Do you know the name of anyone who had
 25 responsibility for purchasing the pads and mittens used

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1 in those classes?
 2 A. No.
 3 Q. Do you know the name of anyone who might
 4 know the manufacturer, brand name or trade name of the
 5 pads and mittens used in those classes?
 6 A. No.
 7 Q. Do you know the name of anyone who might
 8 know the supplier or distributor for whom the pads and
 9 mittens used in those classes were purchased?
 10 A. No.
 11 Q. Sir, with respect to Hunter College, am
 12 I correct in understanding that you took one class at
 13 Hunter College?
 14 A. One laboratory class.
 15 Q. One laboratory class, thank you.
 16 Do you remember the name of the teacher
 17 or the professor who taught that class?
 18 A. Dr. Schwartz.
 19 Q. Is Dr. Schwartz a man or a woman?
 20 A. A man.
 21 Q. Do you remember Dr. Schwartz's first
 22 name?
 23 A. No.
 24 Q. When was the last time you spoke to
 25 Dr. Schwartz?

<p style="text-align: right;">Page 293</p> <p>1 A. At the time I took the course.</p> <p>2 Q. Do you remember the names of any of the</p> <p>3 students who took that class with you?</p> <p>4 A. No, I don't.</p> <p>5 Q. Do you know the names of anyone who had</p> <p>6 responsibility for purchasing the pads and mittens used</p> <p>7 in that class?</p> <p>8 A. No, I don't.</p> <p>9 Q. Do you know the names of anyone who</p> <p>10 might know the manufacturer, brand name or trade name of</p> <p>11 the pads and mittens used in that class?</p> <p>12 A. No, I don't.</p> <p>13 Q. Do you know anyone who might know the</p> <p>14 supplier or distributors from whom or from which those</p> <p>15 pads and mittens used in that class were purchased?</p> <p>16 A. No, I don't.</p> <p>17 Q. After Hunter College, you went back to</p> <p>18 work at the research lab at U.C. Berkeley.</p> <p>19 Is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Dr. Sherburne Cook was still your</p> <p>22 supervisor.</p> <p>23 Is that correct?</p> <p>24 A. That's correct.</p> <p>25 Q. When you were first working at that</p>	<p style="text-align: right;">Page 295</p> <p>1 Q. When I say "during that time," I am</p> <p>2 referring to the six or seven months in 1964 that you</p> <p>3 were working in that lab?</p> <p>4 A. I understand.</p> <p>5 Q. Do you know the name of anyone who might</p> <p>6 know the supplier or distributor from which the pads and</p> <p>7 mittens used in the research lab during that time were</p> <p>8 purchased?</p> <p>9 A. No, I don't.</p> <p>10 Q. Okay.</p> <p>11 Moving on to your graduate research in</p> <p>12 physiology which, as I understand, was conducted at the</p> <p>13 Life Sciences Building. Is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And that was conducted on the same floor</p> <p>16 as the research lab.</p> <p>17 Is my understanding correct?</p> <p>18 A. Yes.</p> <p>19 Q. Am I correct in understanding that the</p> <p>20 head of the lab and/or your supervisor was Dr. Timirus?</p> <p>21 A. That's correct.</p> <p>22 Q. Was there anyone else who worked in that</p> <p>23 lab at the same time that you were there?</p> <p>24 A. Yes.</p> <p>25 Q. About how many people, other people,</p>
<p style="text-align: right;">Page 294</p> <p>1 research lab, there was an undergraduate student who</p> <p>2 worked with you.</p> <p>3 Am I correct in recalling your</p> <p>4 testimony?</p> <p>5 A. He worked for Dr. Cook.</p> <p>6 Q. For Dr. Cook.</p> <p>7 Do you know whether that undergraduate</p> <p>8 student was still there at that time?</p> <p>9 A. I don't recall.</p> <p>10 Q. Was there anyone else who was working in</p> <p>11 the lab at that time?</p> <p>12 A. No.</p> <p>13 Q. Can you remember the name of anyone else</p> <p>14 who worked in the labs at the Life Sciences Building</p> <p>15 during that time?</p> <p>16 A. No.</p> <p>17 Q. Do you know the name of anyone who had</p> <p>18 responsibility for purchasing the pads and mittens used</p> <p>19 in that research lab during that time?</p> <p>20 A. No.</p> <p>21 Q. Do you know the name of anyone who might</p> <p>22 know the manufacturer, brand name or trade name of the</p> <p>23 pads and mittens used in the research lab during that</p> <p>24 time?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 296</p> <p>1 worked in that lab?</p> <p>2 A. Three to four.</p> <p>3 Q. Were those other grad students?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know the names of any of those</p> <p>6 other students?</p> <p>7 A. Yes.</p> <p>8 Q. How many names do you remember?</p> <p>9 A. Two.</p> <p>10 Q. Okay.</p> <p>11 What are their names?</p> <p>12 A. Gabriel Maletta.</p> <p>13 Q. How do you spell Gabriel's last name?</p> <p>14 A. M-A-L-E-T-T-A.</p> <p>15 Q. What is the second person's name?</p> <p>16 A. Nancy Sherwood.</p> <p>17 Q. Please spell Nancy's last name?</p> <p>18 A. S-H-E-R-W-O-O-D.</p> <p>19 Q. When was the last time you spoke to Mr.</p> <p>20 Maletta?</p> <p>21 A. At the time I worked in the laboratory.</p> <p>22 Q. Did Mr. Maletta have any responsibility</p> <p>23 for ordering pads and mittens?</p> <p>24 A. No.</p> <p>25 Q. Is it Ms. Sherwood?</p>

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1 A. Yes.
 2 Q. When was the last time you spoke to her?
 3 A. Approximately 12 years ago.
 4 Q. What was the occasion on which you spoke
 5 to her?
 6 A. At a scientific meeting.
 7 Q. Where was the scientific meeting?
 8 A. At Berkeley, California.
 9 Q. Do you remember the subject of this
 10 meeting?
 11 A. Reproductive endocrinology.
 12 Q. Do you remember how many days this
 13 meeting was?
 14 A. One day.
 15 Q. Did Ms. Sherwood have any responsibility
 16 for ordering pads and mittens?
 17 A. I don't know.
 18 Q. Do you know whether she is still alive?
 19 A. Yes.
 20 Q. Is she alive?
 21 A. I believe so. I don't know 100 percent.
 22 Q. Do you know where she lives?
 23 A. No.
 24 Q. What makes you believe that she is alive
 25 or suspect that she is alive?

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1 A. I don't know. I withdraw my previous
 2 answer. I don't know whether she is still alive.
 3 Q. Okay.
 4 At the graduate research lab that you
 5 were working at or studying at from 1964 to 1966, did you
 6 know anyone who had responsibility for purchasing pads
 7 and mittens?
 8 A. No.
 9 Q. Did you know the name -- strike that.
 10 Do you know the name of anyone who might
 11 know the manufacturer, brand name or trade name of the
 12 pads and mittens used in that lab at that time?
 13 A. No.
 14 Q. Do you know the name of anyone who might
 15 know the supplier or distributor from which the pads and
 16 mittens used in that lab were purchased?
 17 A. No.
 18 Q. During that two and a half years, give
 19 or take, did you know anyone else who worked in the Life
 20 Sciences Building other than Ms. Sherwood, Mr. Maletta
 21 and Dr. Timirus?
 22 A. Yes.
 23 Q. Who else worked in that building?
 24 A. I don't recall the names.
 25 Q. Sir, I would like to ask you a few

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1 questions about SUNY Stony Brook which is where you went
 2 after working as a graduate student at U.C. Berkeley. Is
 3 that correct?
 4 A. That's correct.
 5 Q. You were at SUNY Stony Brook from 1971
 6 to 1974. Is that correct?
 7 A. That's correct.
 8 Q. Was there somebody to whom you were
 9 reporting when you were working at SUNY Stony Brook?
 10 A. Yes.
 11 Q. To whom were you reporting?
 12 A. Albert Carlson.
 13 Q. Do you recall what Albert Carlson's
 14 position was?
 15 A. Professor and department head biological
 16 sciences.
 17 Q. Was there anyone else that you reported
 18 to?
 19 A. No.
 20 Q. Was there anyone who you worked with and
 21 who also reported to Albert Carlson?
 22 A. No.
 23 Q. Was there anyone who worked for you?
 24 A. No.
 25 Q. Was there anyone else who worked in that

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1 lab at the time that you were working there?
 2 A. No.
 3 Q. When was the last time you spoke with
 4 Mr. Carlson?
 5 A. The early 80s.
 6 Q. On what occasion did you speak to him?
 7 A. A visit to the department.
 8 Q. And he was still working in the same
 9 lab?
 10 A. In the same position.
 11 Q. Okay.
 12 Do you know where Mr. Carlson lives?
 13 A. No.
 14 Q. Did Mr. Carlson have any responsibility
 15 for ordering pads and mittens?
 16 A. I don't know.
 17 Q. Do you know anyone who had
 18 responsibility -- strike that.
 19 Do you know the names of anyone who had
 20 responsibility for purchasing pads and mittens at SUNY
 21 Stony Brook?
 22 A. No, I don't.
 23 Q. Do you know the names of anyone who
 24 might know the manufacturer, brand name or trade name of
 25 pads and mittens you used at Stony Brook?

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1 A. No, I don't.
 2 Q. Do you know the name of anyone who might
 3 know the supplier or distributor from which the pads and
 4 mittens used at Stony Brook were purchased?
 5 A. No. I do not.
 6 Q. While you were at SUNY Stony Brook, you
 7 were also working at Columbia University. Is that
 8 correct?
 9 A. Yes.
 10 Q. Was there somebody to whom you reported
 11 while working at Columbia University?
 12 A. Yes.
 13 Q. Do you remember the name of that person?
 14 A. No.
 15 Q. How many people worked with you at
 16 Columbia University, if any?
 17 A. For most of the time, none.
 18 Q. Was there a period of time where you had
 19 somebody working with you?
 20 A. Yes.
 21 Q. Do you know the name of that person?
 22 A. No.
 23 Q. Was that person a co-worker or was that
 24 somebody who reported to you?
 25 A. A co-worker.

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1 Q. Was there anyone else, other than
 2 yourself, and the supervisor, and this co-worker to
 3 whom you just made reference, is there anyone else who
 4 worked in this lab during the period that you worked
 5 there?
 6 A. Yes.
 7 Q. And how many other people worked in this
 8 lab while you were there?
 9 A. I do not recall.
 10 Q. Was it more than five?
 11 A. I don't know.
 12 Q. Okay.
 13 Do you know the names of any of the
 14 other people who worked in that lab?
 15 A. No.
 16 Q. Do you know the names of anyone who
 17 worked in that building, in any other lab in that
 18 building, during that time?
 19 A. No, I don't.
 20 Q. Do you know the name of anyone who had
 21 responsibility for purchasing pads and mittens at
 22 Columbia University?
 23 A. No, I don't.
 24 Q. Do you know anyone who might know the
 25 manufacturer, brand name or trade name of the pads and

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1 mittens used at Columbia University while you were there?
 2 A. No, I don't.
 3 Q. Do you know the name of anyone who might
 4 know the supplier or distributor from which the pads and
 5 mittens used at Columbia University were purchased?
 6 A. No, I don't.
 7 Q. The University of Southern California,
 8 you were there from 1974 to 1977. Is that correct?
 9 A. That's correct.
 10 Q. You had testified -- actually, I am
 11 going to back up before we go on to the University of
 12 Southern California.
 13 You mentioned Dr. Timirus do you have
 14 Dr. Timirus's address?
 15 A. No, I don't.
 16 Q. Do you have Dr. Sherburne Cook's
 17 address?
 18 A. No, I don't. He is deceased.
 19 Q. Do you have Olga Bzrorad's address?
 20 A. I do not.
 21 Q. Going back to the University of Southern
 22 California.
 23 You had testified before that the chief
 24 technician was Heinz Osterburg. Is that correct?
 25 A. That's correct.

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1 Q. Do you have Mr. Osterburg's address?
 2 A. No, I don't.
 3 Q. You also testified that there was a
 4 graduate student with whom you worked named -- well, you
 5 mentioned a James Nelson.
 6 Did he work for you or with you?
 7 A. With me.
 8 Q. Do you have Mr. Nelson's address?
 9 A. Yes, I do. But, I do not have it not
 10 here.
 11 Q. Okay.
 12 I will ask that after the deposition you
 13 give the name to your attorney, and I will send a letter
 14 requesting it.
 15 Monty Heckland, was that an
 16 undergraduate assistant?
 17 A. Yes.
 18 Q. Did Mr. Heckland work for you?
 19 A. Yes.
 20 Q. Do you have Mr. Heckland's address?
 21 A. No, I don't.
 22 Q. To whom did you report at the University
 23 of Southern California?
 24 A. Dr. Finch, Caleb Finch.
 25 Q. Could you spell his first and last name

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<p>1 for me, please?</p> <p>2 A. C-A-L-E-B F-I-N-C-H.</p> <p>3 Q. When did you last speak with Mr. Finch?</p> <p>4 A. Approximately ten years ago.</p> <p>5 Q. What was his position at the lab at</p> <p>6 U.S.C.?</p> <p>7 A. He was the head of the laboratory and a</p> <p>8 faculty member.</p> <p>9 Q. Did he have responsibility for ordering</p> <p>10 pads and mittens?</p> <p>11 A. I don't know.</p> <p>12 Q. On what occasion did you speak with</p> <p>13 Mr. Finch ten years ago?</p> <p>14 A. A visit to the laboratory.</p> <p>15 Q. Did he still have the same position that</p> <p>16 he had back when you worked there?</p> <p>17 A. I don't know.</p> <p>18 Q. Was he still working in the same lab?</p> <p>19 A. I don't know.</p> <p>20 Q. Was he still employed by the University</p> <p>21 of Southern California?</p> <p>22 A. I don't know.</p> <p>23 Q. Do you know whether he was working at</p> <p>24 that time?</p> <p>25 A. At the time I worked at the laboratory?</p>	<p>1 A. Yes.</p> <p>2 Q. How many names do you know?</p> <p>3 A. One.</p> <p>4 Q. What is that name?</p> <p>5 A. Beth Schachter, S-C-H-A-C-H-T-E-R.</p> <p>6 Q. What was her position or title, if you</p> <p>7 know?</p> <p>8 A. Graduate student.</p> <p>9 Q. Do you know if Ms. Schachter had any</p> <p>10 responsibility for ordering pads and mittens?</p> <p>11 A. I don't know.</p> <p>12 Q. When was the last time you spoke with</p> <p>13 Ms. Schachter?</p> <p>14 A. About two weeks ago.</p> <p>15 Q. Do you maintain regular contact with</p> <p>16 Ms. Schachter?</p> <p>17 A. Yes.</p> <p>18 Q. Is this business, or pleasure or social?</p> <p>19 A. Personal.</p> <p>20 Q. How regularly do you speak with</p> <p>21 Ms. Schachter?</p> <p>22 A. Regularly.</p> <p>23 Q. On a weekly basis?</p> <p>24 A. Weekly to monthly basis.</p> <p>25 Q. What is -- is she working today</p>
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<p>1 Q. No. Ten years ago.</p> <p>2 A. Yes.</p> <p>3 Q. He was still working at U.S.C. at that</p> <p>4 time?</p> <p>5 A. Yes.</p> <p>6 Q. Ten years ago, did you know where he</p> <p>7 lived?</p> <p>8 A. Yes.</p> <p>9 Q. Where was he living at that time?</p> <p>10 A. In Altadena.</p> <p>11 Q. Can you spell that for me?</p> <p>12 A. A-L-T-E-D-E-N-A.</p> <p>13 Q. Is that in California?</p> <p>14 A. California.</p> <p>15 Q. Do you know whether he has maintained</p> <p>16 that same address?</p> <p>17 A. I don't know.</p> <p>18 Q. Was there anyone else working in the lab</p> <p>19 at U.S.C. with you other than Mr. Finch, Mr. Osterburg,</p> <p>20 Mr. Nelson and Mr. Heckland?</p> <p>21 A. Not with me, but in the same premises.</p> <p>22 Q. About how many other people were working</p> <p>23 in that lab at the same time?</p> <p>24 A. Three.</p> <p>25 Q. Do you know any of their names?</p>	<p>1 currently?</p> <p>2 A. Yes.</p> <p>3 Q. What is her current job or profession?</p> <p>4 A. She is a scientific journalist.</p> <p>5 Q. Where does she work?</p> <p>6 A. She has her own firm.</p> <p>7 Q. Do you know what the name of that is?</p> <p>8 A. No.</p> <p>9 Q. Do you know where she lives?</p> <p>10 A. Yes.</p> <p>11 Q. Where does she live?</p> <p>12 A. In New York City.</p> <p>13 Q. Do you have her address?</p> <p>14 A. Yes.</p> <p>15 Q. At home?</p> <p>16 A. At home.</p> <p>17 Q. We will also make a request that you</p> <p>18 provide us with her address.</p> <p>19 Did Ms. Schachter have any</p> <p>20 responsibility for purchasing pads and mittens at U.S.C.?</p> <p>21 MR. DARCHE: Objection.</p> <p>22 Asked and answered.</p> <p>23 MR. FRASER: If he did, I</p> <p>24 apologize. I just don't remember the</p> <p>25 answer.</p>

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1 MR. DARCHE: He said he didn't
2 know.
3 MR. FRASER: Thank you.
4 Q. Do you know who had responsibility for
5 purchasing pads and mittens at U.S.C.?
6 A. I do not know.
7 Q. Okay.
8 Do you know the name of anyone who might
9 know the manufacturer, brand name or trade name of the
10 pads and mittens used at U.S.C. from 1974 to 1977?
11 A. In the context of might know, might
12 know, subjunctive, Hansel Supa (phonetic).
13 Q. Is there anyone other than Mr. Osterburg
14 who might know the supplier or distributor from whom the
15 pads and mittens used at U.S.C. were purchased?
16 A. I don't know.
17 Q. Moving on finally to Mount Sinai School
18 of Medicine.
19 Your supervisor at Mount Sinai was
20 Dr. Gurpide. Is that correct?
21 A. That's correct.
22 Q. And there was a technician named Mila
23 DePenä. Is that correct?
24 A. That's correct.
25 Q. Was there anyone else who worked with

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1 A. Post doctorate fellow.
2 Q. Do you know whether he had any
3 responsibility for ordering pads and mittens?
4 A. No. He did not.
5 Q. When was the last time you spoke with
6 Mr. Hata?
7 A. In 1986.
8 Q. Did he stop working at Mount Sinai at
9 that time?
10 A. Yes.
11 Q. Do you know where Mr. Hata lived at the
12 time that he was working at Mount Sinai?
13 A. In New York City.
14 Q. Do you have Mr. Hata's address?
15 A. No.
16 Q. With regards to the second person, was
17 that a man or a woman?
18 A. Man.
19 Q. With regards to Mr. Anzai, what was his
20 position or title?
21 A. Post doctorate fellow.
22 Q. Do you know if Mr. Anzai had any
23 responsibility for purchasing pads or mittens?
24 A. No. He did not.
25 Q. When was the last time you spoke with

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1 you at Mount Sinai?
2 A. Yes.
3 Q. How many people?
4 A. Several.
5 Q. Several, more or less than five, if you
6 can recall?
7 A. Fewer than five.
8 Q. Okay.
9 Do you know the names of any of those
10 people?
11 A. Yes.
12 Q. How many names do you know?
13 A. Two.
14 Q. Okay.
15 What is the first person's name?
16 A. Hiroki Hata.
17 Q. I am going to ask you to spell that,
18 please?
19 A. H-I-R-O-K-I H-A-T-A.
20 Q. What is the name of the second person?
21 A. Yuzuru Anzai, Y-U-Z-U-R-U A-N-Z-A-I.
22 Q. Let's start with Hiroki Hata, is that a
23 man or a woman?
24 A. A man.
25 Q. Mr. Hata, what was his position?

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1 Mr. Anzai?
2 A. About four weeks ago.
3 Q. On what occasion did you speak with
4 Mr. Anzai?
5 A. Social occasion.
6 Q. How frequently do you see or communicate
7 with Mr. Anzai?
8 A. Infrequently. Communicate once a year.
9 Q. Is he currently working?
10 A. Yes.
11 Q. Do you know where he is currently
12 working?
13 A. In New York City.
14 Q. Do you know the name of the employer?
15 A. He is a gynecologist. He has his own
16 office.
17 Q. Do you know the address of either where
18 he lives or his office?
19 A. His apartment address, I know.
20 Q. Again, I will ask that you provide that
21 to your attorney after today.
22 Is there anyone else other than Dr.
23 Gurpide, Mila DePenä, Mr. Hata and Mr. Anzai who worked
24 in the lab at Mount Sinai School of Medicine while you
25 were there?

<p style="text-align: right;">Page 313</p> <p>1 A. Dr. Schachter, Ed Schachter.</p> <p>2 Q. Okay.</p> <p>3 Anyone else who worked in the lab?</p> <p>4 A. Yes.</p> <p>5 Q. Who else would that be?</p> <p>6 A. Several graduate students and one or two</p> <p>7 post doctorate fellows.</p> <p>8 Q. Do you know the names of any of those</p> <p>9 people?</p> <p>10 A. No.</p> <p>11 Q. Do you know the name of anyone who had</p> <p>12 responsibility for purchasing pads and mittens at Mount</p> <p>13 Sinai School?</p> <p>14 A. No, I don't.</p> <p>15 Q. Do you know the name of anyone who might</p> <p>16 know the manufacturer, brand name or trade name of the</p> <p>17 pads and mittens used at Mount Sinai?</p> <p>18 A. Dr. Gurpide.</p> <p>19 Q. Anyone else that you can think of?</p> <p>20 A. No.</p> <p>21 Q. Is there anyone who might know the</p> <p>22 supplier or distributor from which the pads and mittens</p> <p>23 used at Mount Sinai were purchased?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you have the address for Dr. Gurpide?</p>	<p style="text-align: right;">Page 315</p> <p>1 today that during the course of your career you at times</p> <p>2 wore a mask.</p> <p>3 Is that a fair characterization of your</p> <p>4 prior testimony today?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. Did you wear a mask during the course of</p> <p>7 your career while you were using or working with Bunsen</p> <p>8 burners?</p> <p>9 A. No. I did not.</p> <p>10 Q. Did you wear a mask during the course of</p> <p>11 your career while you were working with Bunsen burner</p> <p>12 covers?</p> <p>13 A. No. I did not.</p> <p>14 Q. Did you wear a mask during the course of</p> <p>15 your career while you would have to change the Bunsen</p> <p>16 burner cover?</p> <p>17 A. No. I did not.</p> <p>18 Q. Did you wear a mask during the course of</p> <p>19 your career when you were using asbestos mittens?</p> <p>20 A. No. I did not.</p> <p>21 Q. Did you wear a mask over the course of</p> <p>22 your career when you had to change your asbestos mittens?</p> <p>23 A. No. I did not.</p> <p>24 Q. Just so the record is clear, can you</p> <p>25 describe how you were exposed to asbestos from your work</p>
<p style="text-align: right;">Page 314</p> <p>1 A. No, I don't.</p> <p>2 Q. Do you have the address for Mila DePena?</p> <p>3 A. No, I don't.</p> <p>4 MR. FRASER: I pass the</p> <p>5 witness.</p> <p>6 Thank you, sir.</p> <p>7 MR. DARCHE: Is that it?</p> <p>8 BY MR. SCHAFFER:</p> <p>9 Q. Sir, I just have one or two questions</p> <p>10 for you.</p> <p>11 Have you ever been diagnosed with any</p> <p>12 illnesses associated with your immune system?</p> <p>13 A. No.</p> <p>14 MR. SCHAFFER: That is all I</p> <p>15 have.</p> <p>16 Thank you.</p> <p>17 MR. DARCHE: Just note my</p> <p>18 objection to that last question.</p> <p>19 I am going to take a few</p> <p>20 minute break, and then I have a few</p> <p>21 questions. And we will get out of</p> <p>22 here.</p> <p>23 (A short recess was taken.)</p> <p>24 BY MR. DARCHE:</p> <p>25 Q. Mr. Holinka, you previously testified</p>	<p style="text-align: right;">Page 316</p> <p>1 with the Bunsen burner covers?</p> <p>2 A. The Bunsen burner covers are subjected</p> <p>3 to high heat to the flame of the Bunsen burner, and the</p> <p>4 material becomes brittle and generates dust.</p> <p>5 Q. How often did you work with Bunsen</p> <p>6 burners and Bunsen burner covers over the course of your</p> <p>7 career?</p> <p>8 MS. KULINA: Objection.</p> <p>9 Q. You can answer.</p> <p>10 A. Regularly. Over the course of my career</p> <p>11 frequently.</p> <p>12 Q. How often did you work with Bunsen</p> <p>13 burner covers during the course of your career?</p> <p>14 A. Regularly, frequently.</p> <p>15 Q. How often during the course of your</p> <p>16 career did you observe these Bunsen burner covers to be</p> <p>17 dusty and flaky?</p> <p>18 A. Regularly.</p> <p>19 Q. Over the course of your career, how</p> <p>20 often did you work with asbestos mittens?</p> <p>21 A. Regularly.</p> <p>22 Q. During the course of your career, how</p> <p>23 often would you work with these mittens when you observed</p> <p>24 the flaking and dusting?</p> <p>25 MR. SCHAFFER: Objection.</p>

<p style="text-align: right;">Page 317</p> <p>1 MR. KROMBERG: Objection. 2 DEFENSE COUNSEL: Objection. 3 Q. You can answer. 4 A. Often. 5 Q. I am just going to rephrase because of 6 the objection. 7 Mr. Holinka, you have testified that you 8 worked during the course of your career with asbestos 9 mittens. 10 Is that a fair characterization of your 11 testimony? 12 A. That's correct, yes. 13 Q. During the course of your career, how 14 often did you work with these mittens? 15 A. Regularly. 16 Q. Can you describe how you believe -- 17 withdrawn. 18 Can you describe how you were exposed to 19 asbestos from these mittens, again, please? 20 A. The mittens were used to handle hot 21 glass work. Heat disintegrates materials including the 22 materials of the mittens -- 23 Q. And what, if anything, would happen? 24 A. And that generates dust and debris. 25 Q. Do you believe that you breathed in that</p>	<p style="text-align: right;">Page 319</p> <p>1 BY MR. DADIKA: 2 Q. Mr. Holinka, my name is Greg Dadika. I 3 am an attorney with the law firm of Reed Smith. I have 4 just one quick question for you. 5 MR. DARCHE: The intro counts. 6 MR. DADIKA: I didn't phrase 7 it in the form of a question. 8 Q. Your attorney just used the term Bunsen 9 burner covers. 10 Is that what you have been referring to 11 throughout your deposition as Bunsen burner pads? 12 A. Yes, that's correct. 13 Q. So, those are interchangeable terms? 14 A. Yes, they are. 15 MR. DADIKA: 16 Q. That's all I wanted to know. 17 MR. ABERNETHY: I have a 18 couple of questions in response 19 specifically to your counsel's 20 questions. 21 BY MR. ABERNETHY: 22 Q. You repeatedly used the word in response 23 to his question regularly in describing the frequency of 24 certain activity. 25 Can you describe what you mean by</p>
<p style="text-align: right;">Page 318</p> <p>1 dust? 2 A. Yes. 3 Q. Over the course of your career, how 4 often did you work with these asbestos mittens? 5 A. Regularly. 6 MR. DARCHE: I have no further 7 questions. 8 BY MR. SCHAFFER: 9 Q. Sir, do you know at what temperature 10 asbestos disintegrates? 11 MR. DARCHE: Objection. 12 If you know. 13 Q. If you know. 14 A. I don't know. 15 MR. SCHAFFER: Thank you. 16 BY MS. KULINA LYONS: 17 Q. I have one. 18 Sir, were there times when you used 19 mittens when they were new? 20 A. Yes. 21 MS. KULINA LYONS: That is all 22 I have. 23 Thank you. 24 MR. DADIKA: I have one quick 25 question.</p>	<p style="text-align: right;">Page 320</p> <p>1 regularly more specifically in terms of how many times 2 per day, per week, per month or how much time? 3 MR. DARCHE: I am going to 4 object to the form of question. 5 You can answer if you can. 6 A. Several times weekly. 7 Q. You also used the word "frequently," 8 does that mean something different than regularly? 9 MR. DARCHE: Object to the 10 form. 11 It means what it means. 12 Obviously -- objection to the form. 13 MR. ABERNETHY: I am entitled 14 to probe what he means in specific 15 terms. 16 MR. DARCHE: If you can 17 answer, so ahead. 18 A. Yes. I can offer my interpretation. 19 Q. Well, you used the word. 20 What I am asking is, do you mean 21 something different by frequently than you mean by 22 regularly? 23 A. Frequently, I referred to my overall 24 career. Regularly, I thought of the daily use or weekly 25 use, used per time.</p>

<p style="text-align: right;">Page 321</p> <p>1 Q. You also used the word "often" in 2 describing certain activities or observation. 3 Does that mean something different to 4 you than regularly or frequently? 5 A. No. 6 MR. ABERNETHY: All right. 7 I will leave it at that. 8 Thank you. 9 (The testimony was concluded 10 at 11:55 a.m.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 323</p> <p>1 STATE OF) 2 COUNTY OF) SS. 3 4 5 I, the undersigned, declare under penalty of 6 perjury that I have read the foregoing transcript, and I 7 have made any corrections, additions, or deletions that I 8 was desirous of making; that the foregoing is a true and 9 correct transcript of my testimony contained therein. 10 11 12 EXECUTED this _____ day of _____, 2007, at 13 _____ 14 City State 15 16 17 WITNESS: 18 CHRISTIAN HOLINKA 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 322</p> <p>1 REPORTER'S CERTIFICATE 2 3 I, Kerry D. Halpern, Shorthand Reporter, 4 certify; 5 That the foregoing proceedings were taken 6 before me at the time and place therein set forth, at 7 which time the witness was put under oath by me; 8 That the testimony of the witness and all of 9 the objections made at the time of the examination were 10 recorded stenographically by me and were thereafter 11 transcribed; 12 That the foregoing is a true and correct 13 transcript of my shorthand notes so taken. 14 I further certify that I am not a relative or 15 employee of any attorney or of any of the parties, nor 16 financially interested in the action. 17 I declare under penalty of perjury under the 18 laws of the State of New York that the foregoing is true 19 and correct. 20 Dated this 11th day of March, 2007. 21 22 23 KERRY D. HALPERN, Shorthand Reporter 24 25</p>	<p style="text-align: right;">Page 324</p> <p>1 REPORTER'S CERTIFICATION OF CERTIFIED COPY 2 3 I, KERRY D. HALPERN, Shorthand Reporter in the 4 State of New York, certify that the foregoing pages 248 5 through 323, constitute a true and correct copy of the 6 original deposition of CHRISTIAN HOLINKA, taken on March 7 1, 2007. 8 I declare under the penalty of perjury under 9 the laws of the State of New York that the foregoing is 10 true and correct. 11 Dated the 11th day of March, 2007. 12 13 14 KERRY D. HALPERN, Shorthand Reporter 15 16 17 18 19 20 21 22 23 24 25</p>